

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC.

Affidavit of General Donald Ramfola in Support of
Defendant Dr. Lawrence A. Farwell's Affirmation in
Response to Order to Show Cause

- against -

Civil Action No.: 21-cv-4402 (BMC-RLM)

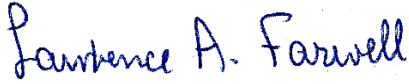
ARSHEE, INC., DR. LAWRENCE A. FARWELL,
DR. THIERRY MAISON and BRAIN
FINGERPRINTING FOUNDATION

Defendants.

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Attached hereto is a true and accurate copy of the sworn Affidavit of General Donald Ramfolo in support of Defendant Dr. Lawrence A. Farwell's Affirmation in Response to Order to Show Cause.

August 23, 2022



Dr. Lawrence A. Farwell

Defendant

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AFFIDAVIT

I, the undersigned,

DONALD BUTI RAMFOLO

Hereby state under oath as follows:

1. I am an adult male. I am a director and shareholder in Brain Scan (PTY) Ltd in South Africa and retired with the rank of Brigadier General from South African Defence Force in December 2002.
2. The facts contained in this affidavit are within my personal knowledge, and unless the contrary appears from the context, are to the best of my knowledge and belief, both true and correct.
3. My professional responsibilities in Military Intelligence in South Africa have prepared me to be highly qualified in evaluating threats to national security and justice.
4. On or about 11/28/2019, I participated in a Skype call with Krishna Ika ("Ika") of Brainwave Science, Inc. (BWS) plans were made to setup meetings with the South African Secret Service, Defence Intelligence and Crime Intelligence.
5. I witnessed Mr. Ika make the following statements to sell the South African government Brain Fingerprinting systems, training, and network integration of the system into the networks of the agencies mentioned above. That their Brain Fingerprinting product is used in several countries, is admissible in court, and they hold patents for the technology.
6. Marketing material provided by Brain Wave Science employee Mr Matt Adams on 10/17/2018, states in the opening paragraph that "Brainwave Science, LLC is the inventor and developer of a unique, proprietary solution to solve crimes, provide evidence to exonerate innocents, and identify terrorists accurately and scientifically before and after a terrorist act with over 99% accuracy." This statement proved to be false, as the Patent for Brain Fingerprinting was filed by Dr Larry Farwell more than a decade before Brain Wave Science existed. A review of academic literature shows that Dr Farwell and his associates published most of the research on Brain Fingerprinting.
7. In the same document the following claims are made regarding the competitive advantage of Brain fingerprinting: It is Scientific, tested in over 200 cases, peer-reviewed and proven, Accepted as a scientific evidence in US courts, Unique Intellectual Property with strong patents, Strong and experienced management team.
8. Our due diligence investigation revealed the following facts: Dr. Farwell invented Brain Fingerprinting; he presented Brain Fingerprinting in court where Dr. Farwell's Brain Fingerprinting science and technology and Dr. Farwell's testimony on it were ruled admissible in court; he published his Brain Fingerprinting research in prestigious peer-reviewed scientific journals; he applied his Brain Fingerprinting science in solving real-world criminal cases; he applied his Brain Fingerprinting science at the FBI, the CIA, and the US Navy; he applied his Brain Fingerprinting science to solve crimes, e.g., to exonerate and free Terry Harrington an innocent man falsely convicted of murder and to bring serial killer J.B.



Grinder to justice; he proved his Brain Fingerprinting science to be over 99% accurate, and published these findings in peer-reviewed scientific journals; he applied his Brain Fingerprinting science in counterterrorism and counterintelligence cases; he has been featured, along with his invention of Brain Fingerprinting, in major news media in the US and internationally. *TIME* magazine selected Dr. Farwell to the TIME 100: The Next Wave, the top innovators our time who may be "the Picassos or Einsteins of the 21st Century."

9. When proof of the 200 court cases was requested from Mr Ika and Mr Matt Adams, only the abovementioned cases regarding JP Grinder and Terry Harrington were supplied. Both these cases show Dr Farwell's technology and not the claimed technology developed by Brain Wave Science. The cases also predate the existence of Brain Wave Science as a company. The research evidence provided did not include any of the research publications of Dr Farwell. Some of the research evidence also predate the existence of Brain Wave Science as a company.
10. When Mr Ika and Mr Adams were pressed to supply more samples of the 200 cases they claim the technology was used in they responded in an e-mail on 03/04/2019 as follows "Brain Fingerprinting scientific technique invented by Dr. Farwell has been accepted under Daubert Standard in US courts. Of all the cases that have been supported by this scientific technique only few have been so far permitted to be released to public by law enforcement authorities. Please find the attached amicus brief filed in the court for the following case: In *Harrington v. State*, Case No. PCCV 073247 (Iowa District Court for Pottawattamie County, March 5, 2001), petitioner Terry Harrington sought to overturn a 1978 murder conviction on several grounds, including an allegation that newly discovered evidence in the form of Brain fingerprinting entitled him to a new trial. Please see the attached Amicus Brief in this case that explains the Standard of Review and grounds of acceptance of Brain Fingerprinting as evidence in court filed by petitioner Terry Harrington's attorney." This contradicts the claims made in the marketing material supplied by Mr Adams.
11. A subsequent search for patents held by Brain Wave Science shows that in 2013, for only a few months, the existing patent for the Brain Fingerprinting technology, originally filed by Dr Farwell, was assigned to Brain Wave Science, and subsequently reassigned to one of Dr Farwell's companies. This is the only record of a patent held by Brain Wave Science found. It predates the existence of Brain Wave science as a company, and refutes the claims made in Brain Wave Science marketing material.
12. Based on the above-mentioned statements, Brain Scan (Pty) Ltd terminated all agreements, arrangements, an NDA's with Brain Wave science on 03/20/2019. It became clear that Mr Ika and Mr Adams misrepresented themselves and Brain Wave Science as the inventors, patent holders, and developers of the Brain Fingerprinting technology.
13. The close association of Mr Ika to Mr Subu Kota and Mr Michael Flynn who were both implicated in illegal dealings with Russia, furthermore eroded the credibility of Brain Wave Science as a trust worthy company to conduct business with. Neither is Mr Ika.

Brig Gen (Ret)

DEPONENT

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Thus signed and affirmed at Garsfontein on this
23 day of May 2019, the deponent having acknowledged
that he knows and understands the contents of this affidavit, having affirmed that the contents
hereof are true and correct and that he considers the affirmation binding on his conscience.

Handwritten signature: [Signature]

Handwritten date: 23/05/2019 on 12 at 12:30

(HANTERENING) COMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

Handwritten signature: John Brown Sam

VOLLE VOORNAME EN VAN IN DRUKSKRIJF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

Handwritten address: 271 Lenny R. [unclear] State

Handwritten address: CHABRON 1511

Handwritten initials: mb

Handwritten signature: [Signature]

COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS
DIE STASIEBEVELVOERDER
THE STATION COMMANDER

2019-05-23

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SOUTH AFRICAN POLICE SERVICE